

REMARKS

Claims 11, 13-14, 18-20, 33-41, 44, 50-55, 57-58, and 60 are pending in the present application. Claims 11, 18, 41, 54, 55 and 57 have been amended. Claims 1-10, 12, 15-17, 42-43, 45-49, 56, 59, 61 and 62 have been canceled without prejudice or disclaimer.

Claims 1-10, 12, 15-17, 42-43, 45-49, 56, 59, 61 and 62 have been canceled without prejudice or disclaimer, and claims 11, 18, 41, 54, 55 and 57 have been amended, for the sole reason of advancing prosecution. Applicants, by canceling or amending any claims herein, make no admission as to the validity of any rejection made by the Examiner against any of these claims. Applicants reserve the right to reassert any of the claims canceled herein or the original claim scope of any claim amended herein, in a continuing application.

Claims 11, 18, 41, 54, 55 and 57 have been amended to recite that "the fatty alcohol that is a linear, saturated or unsaturated primary alcohol having 10-30 carbon atoms." Support for this amendment can be found in the specification as originally filed, for example, at page 5, paragraph 5.

No new matter has been added within the meaning of 35 USC § 132.

In view of the following, further and favorable consideration is respectfully requested.

I. Interview

Applicants thank the Examiner for conducting a telephone interview with Applicants' undersigned representative on December 12, 2008. Applicants further thank the Examiner for the indication that the rejections in the outstanding Official Action appear to be overcome by the amendments and remarks submitted herein.

II. At page 2 of the Official Action, claims 11, 13, 14, 18-20, 33-41, 44, 50-55, 57, 58, and 60-62 have been rejected under 35 USC § 112, first paragraph.

The Examiner asserts that the specification is enabling for a fatty alcohol as described at page 5, paragraph 5 of the specification, i.e., a fatty alcohol that is a linear, saturated or unsaturated primary alcohol having 10-30 carbon atoms. Applicants respectfully submit that, in view of the amendments to the claims herein, this rejection has been obviated. Specifically, claims 11, 18, 41, 54, 55 and 57 have been amended to recite that the "fatty alcohol that is a linear, saturated or unsaturated primary alcohol having 10-30 carbon atoms." Additionally, claims 61 and 62 have been cancelled.

Therefore, Applicants respectfully submit that the presently pending subject claims are fully compliant with 35 USC § 112, first paragraph. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw this rejection.

III. At page 2 of the Official Action, claims 11, 13, 14, 18-20, 33-41, 44, 50-55, 57, 58, and 60-62 have been rejected under 35 USC § 112, first paragraph.

The Examiner asserts that the specification is not enabling for the recitation of a fatty alcohol without the inclusion of a stearyl amine and polymer.

Applicants respectfully traverse the rejection of claims 11, 13, 14, 18-20, 33-41, 44, 50-55, 57, 58, and 60. Applicants respectfully submit that the rejection of claims 61 and 62 has been rendered moot by the cancellation of the same.

As discussed, and agreed upon during the interview of December 12, 2008, the specification is fully enabling for a fatty alcohol without the inclusion of a stearyl amine and polymer. In this regard, Applicants note that the specification describes a fatty alcohol without the inclusion of a stearyl amine and polymer at least at Example 12 in the specification. According to Example 12:

50 g of solid paraffin and 40 g of cetyl alcohol are fused to give a clear mixture at 100°C. The clear melt is cooled to 50-60°C. 10 g of pantoprazole sodium sesquihydrate are introduced and homogeneously suspended. The liquid suspension is prilled in the molten state in a prilling unit (Brace) having vibrating nozzles (200 µm nozzle) and the resulting drops are solidified in a cooling zone.

Applicants respectfully submit that, as is evident in example 12, according to one embodiment of the present subject matter, a solid paraffin was fused with a fatty alcohol, i.e., cetyl alcohol, to prepare a preparation according to the presently pending claims. Accordingly, Applicants submit the specification is enabling for the recitation of a fatty alcohol without the inclusion of a stearyl amine and polymer.

Therefore, Applicants respectfully submit that the presently pending subject claims are fully compliant with 35 USC § 112, first paragraph. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw this rejection.

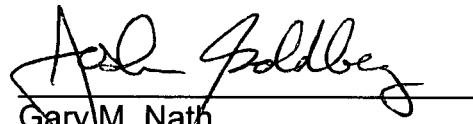
Conclusion

In view of the foregoing, applicants submit that the application is in condition for immediate allowance. Early notice to that effect is earnestly solicited. The Examiner is invited to contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

In the event this paper is not timely filed, applicants petition for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

Respectfully submitted,

THE NATH LAW GROUP



Gary M. Nath
Registration No. 26,965
Joshua B. Goldberg
Registration No. 44,126
Ari G. Zytcer
Registration No. 57,474
Customer No. 34375

Date: December 1st, 2008
THE NATH LAW GROUP
112 South West Street
Alexandria, VA 22314
Tel: (703) 548-NATH
Fax: (703) 683-8396